

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MANUEL JIMINEZ,	)	
	)	
Petitioner	)	Civil Action
	)	No. 08-cv-4287
vs.	)	
	)	
	)	
SUPERINTENDENT JOSEPH NISH,	)	
DISTRICT ATTORNEY OF THE COUNTY	)	
OF BERKS, and	)	
ATTORNEY GENERAL OF THE STATE	)	
OF PENNSYLVANIA,	)	
	)	
Respondents	)	

O R D E R

NOW, this 30th day of June, 2009, upon consideration of the Petition for Writ of Habeas Corpus filed October 15, 2008 by petitioner pro se; upon consideration of the Answer to the Petition for Writ of Habeas Corpus, which answer was filed January 26, 2009 by respondents; upon consideration of the Report and Recommendation of United States Magistrate Judge M. Faith Angell filed June 3, 2009; it appearing that as of the date of this Order, petitioner has not filed any objections to the Report and Recommendation of Magistrate Judge Angell; it further appearing after review of this matter that Magistrate Judge Angell's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Angell's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge